

**REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed July 14, 2009. Claims 1-5, 7-8, and 10-13 were pending in the present application. This Amendment amends claims 1, 5, 7, and 13, without adding or canceling any claims, leaving pending in the application claims 1-5, 7-8, and 10-13. Reconsideration of the rejected claims is respectfully requested.

**I. Rejection under 35 U.S.C. §103**

Claims 1-5, 7-8, and 10-13 are rejected under 35 U.S.C. §103(a) as being obvious over *Martinez* (US 5,208,446) in view of *Bloom* (US 6,974,928). Applicants respectfully submit that these references do not teach or suggest each element of these claims.

For example, Applicants' claim 1 as amended recites a method of delivering at least one item or service from a provider to a receiver, the method comprising:

receiving an order for at least one item or service available from the provider, the order identifying a receiver to which to deliver the at least one item or service, **the order being received without financial information for a purchaser for the order;**

determining whether the purchaser of the order is pre-approved by a financial processor or has an account with the financial processor, wherein the financial processor is able to provide payment for the at least one item or service upon the delivery of the at least one item or service;

**if the purchaser is determined to be pre-approved or to have an account with the financial processor, generating an order identifier associated with the order to be provided to at least one of the purchaser and the receiver, the order identifier not including financial information for the purchaser;**

obtaining the order identifier from the receiver at substantially a time of delivery;

**providing information regarding the order identifier obtained at substantially the time of delivery to the financial processor, for approval of a financial portion of the order, without providing any financial information to the financial processor;**

in response to the information regarding the order identifier causing payment to be approved by the financial processor and provided to the provider, delivering the at least one item or service to the receiver; and

in response to the information being not causing payment to be approved by the financial processor, not delivering the at least one item or service to the receiver,

**wherein the at least one item or service is capable of being ordered and delivered without requiring financial information to be received by the provider or the deliverer from the purchaser or the receiver**

(*emphasis added*). Such limitations are not disclosed or suggested by the proposed combination of *Martinez* and *Bloom*.

For example, as discussed previously of record, *Martinez* discloses an apparatus allowing credit card information to be accepted, verified, and processed contemporaneously with the delivery of goods (col. 1, lines 6-35). This requires the recipient to have a credit card or bank guarantee card (col. 1, lines 35-43), and requires the recipient to provide this credit card information to the delivery person, which some customers might be reluctant to do. Applicants' claim 1 as amended specifically recites that "at least one item or service is capable of being ordered and delivered without requiring financial information to be received by the provider or the deliverer from the purchaser or the receiver". *Martinez* does not teach such a limitation, and in fact requires financial information (*e.g.*, credit card information) to be provided by the receiver to the deliverer. Further, the Office Action recognizes on page 4 that *Martinez* does not teach or suggest use of an order identifier as recited in various elements of Applicants' claim 1.

The Office Action attempts to address these deficiencies in *Martinez* by combining *Bloom*. As discussed previously, *Bloom* is directed to efficient bulk package delivery to an automated article storage and retrieval system at a centralized article pickup location (col. 1, lines 8-12; col. 2, lines 25-64). Items of *Bloom* can be sorted by a "destination centralized pickup location" or a "destination local distribution hub" into a bulk package, which can have an identifier assigned thereto for matching the bulk package with a storage locker bin (col. 2, lines 50-64; col. 3, lines 8-19). The identifier information of *Bloom* is used for managing the storage and bulk shipping process, and thus there would have been no motivation to combine *Bloom* with *Martinez* for purposes such as that of Applicants' claim 1.

Even if, however, the references were combined for sake of argument, the proposed combination would not render obvious Applicants' claim 1 as amended. For example, Applicants' claim 1 recites "receiving an order for at least one item or service available from the provider, the order identifying a receiver to which to deliver the at least one item or service, the order being received without financial information for a purchaser for the order" and "providing information regarding the order identifier obtained at substantially the time of delivery to the financial processor, for approval of a financial portion of the order, without providing any

financial information to the financial processor”. As discussed, *Martinez* requires credit card information to be presented at the time of delivery.

The Office Action points to col. 4, lines 1-30 of *Bloom*, which discloses that loading an item into a storage locker bin for bulk delivery can cause “an electronic notification” to be generated for the recipient, and the process of “triggering the dispatch of the electronic notification can further include recording information necessary for billing” upon shipment of the item, or the ability of the recipient to pick up the item (see also col. 9, lines 3-6). *Bloom* also discloses that the information necessary for billing can include an “order identifier,” among other identifiers (col. 4, lines 10-15).

Combining such subject matter with *Martinez*, however, would at best enable billing information to be generated during the shipping process, but still would require credit card information to be collected from the recipient at the time of delivery, as the primary purpose of *Martinez* is to provide a device that collects financial information at the time of delivery. The Office Action on page 7 recites that *Bloom* teaches “recording information necessary for billing...” where that information can include “an order identifier, ...”. It is respectfully submitted, however, that such teaching even if combined with *Martinez* would not enable “at least one item or service” to be “capable of being ordered and delivered without requiring financial information to be received by the provider or the deliverer from the purchaser or the receiver” as recited in Applicants’ page 1. As discussed, *Martinez* teaches the collection of financial information, and *Bloom* does not teach or suggest that items can be ordered and delivered without “requiring financial information to be received by the provider or the deliverer from the purchaser or the receiver”. The fact that an order identifier can be used as part of the billing process to indicate that shipping has occurred does not meet the limitations recited in claim 1 as amended. As such, the combination cannot render obvious Applicants’ claim 1 or the claims that depend therefrom. The other claims recite limitations that similarly are neither taught nor discussed by these references, individually or in combination, such that these claims also cannot be rendered obvious. Applicants therefore respectfully request that the rejections with respect to these claims be withdrawn.

## **II. Amendment to the Claims**

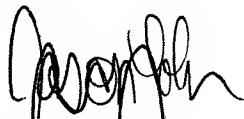
Unless otherwise specified or addressed in the remarks section, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Jason D. Lohr  
Reg. No. 48,163

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 415-576-0300  
Attachments  
JDL:jdl  
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